

COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Small Entity)

Docket No.
LS-006CV

In Re Application Of: Jude S. Sauer

Application No.

10/772,185

Filing Date

02/04/2004

Examiner

Victor X. Nguyen

Customer No.

024,902

Group Art Unit

3734

Confirmation No.

4686

Invention: INSTRUMENT FOR GUIDING THE SURGICAL CUTTING OF TISSUE AND METHOD OF USE

COMMISSIONER FOR PATENTS:

This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of
01/27/2010 in the above-identified application.
Date

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated 01/27/2010 finally rejecting Claim(s) 1-10, 15-18 and 20-31

Applicant(s) hereby request(s) an extension of time of (check desired time period):

☒ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: 04/27/2010

Date

until:

05/27/2010

Date

The fee for the Notice of Appeal and Extension of Time has been calculated as shown below:

Fee for Notice of Appeal: \$270.00

Fee for Extension of Time: \$65.00

TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME: \$335.00

The fee for the Notice of Appeal and extension of time is to be paid as follows:

☒ A check in the amount of \$335.00 for the Notice of Appeal and extension of time is enclosed.

☐ Please charge Deposit Account No. _____ in the amount of _____

☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1101

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 CFR 1.17.

06/01/2010 HUUONG1 00000056 10772185

01 FC:2401

02 FC:2251

270.00 0P

65.00 0P

☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 50-1101

☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Small Entity)**

Docket No.
LS-006CV

In Re Application Of:

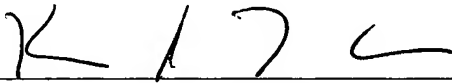
Jude S. Sauer

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/772,185	02/04/2004	Victor X. Nguyen	024,902	3734	4686

Invention: INSTRUMENT FOR GUIDING THE SURGICAL CUTTING OF TISSUE AND METHOD OF USE

TO THE COMMISSIONER FOR PATENTS:

This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:



Signature

Dated: May 27, 2010


Kenneth J. LuKacher
Attorney for Applicant
Registration No. 38,539
South Winton Court
3136 Winton Road South, Suite 301
Rochester, New York 14623
Telephone: 585-424-2670
Facsimile: 585-424-6196

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax no. _____) on _____ (Date) _____ Signature _____ Typed or Printed Name of Person Signing Certificate
--

*This certificate may only be used if paying by deposit account.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on 05/27/2010 (Date)  Signature of Person Mailing Correspondence Tammy S. Moynihan Typed or Printed Name of Person Mailing Correspondence

CC: